

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO  
RICO

As representative of  
THE COMMONWEALTH OF PUERTO  
RICO

Debtor.

PROMESA  
Title III

Case No. 17 BK-03283 LTS

(Jointly Administered)

**RESPONSE TO TRANSFER OF CLAIM AND  
MOTION TO INFORM TRANSFER OF CLAIM (DKTS. NO. 4193, 4216 AND 4402)**

**TO THE HONORABLE COURT:**

**COMES NOW** creditor Bard Shannon Limited (“Bard”), through its undersigned counsel, and respectfully alleges and prays as follows:

1. On June 29, 2018, Bard filed Claim No. 91,823 (the “Claim”) against the Commonwealth of Puerto Rico resulting from unused R&D Tax Credits in the total amount of \$500,169 (the “Tax Credits”). *See* Proof of Claim No. 91,823.
2. On November 7, 2018, Carlos A. Rodriguez Herrera (“Mr. Rodriguez”) filed a *Transfer of Claim other Than for Security* (the “Transfer of Claim”), and on November 13, 2018, Mr. Rodriguez filed a *Motion to Inform Transfer of Claim* (the “Motion”). *See* Dkts. No. 4193 and 4216.
3. On November 7, 2018, Primer Clerk LLC (“Prime Clerk”), claims and noticing agent for the Debtors, mailed a copy of the Transfer of Claim to Bard and notice of the 21-days period to object thereto.
4. Subsequently, on November 13, 2018, Prime Clerk Bard sent a second notice to Bard which included a copy of the Motion and, furthermore, informed Bard that it had 21 days to object to the Transfer of Claim.

5. On December 3<sup>rd</sup>, 2018, Bard filed a Response to Motion to Inform Transfer of Claim (Dkt. 4396), with the purpose to clarify the amount of the partial transfer to creditor Mr. Rodríguez.

6. On December 4<sup>th</sup>, 2018, Mr. Rodríguez refiled his Motion to Inform Transfer of Claim (Dkt. 4402) so as to correct an error in filing.

7. As a result of the foregoing, Bard wishes to clarify the Transfer of Claim and the allegations in the Motion filed by Mr. Rodriguez. While Bard does not object to the Transfer of Claim (as detailed and explained in the *Addendum to Partial Transfer of Claim*), it must inform the Court, for purposes of clarity, that pursuant to the terms of the *Transfer of Research and Development Investment Tax Credit Agreement* executed on August 30, 2018, the transfer of Tax Credits to Mr. Rodriguez was a partial transfer of claim in the amount of \$200,000.00. See Dkt. No. 4216 at p. 3, ¶ 3, and p. 5 at ¶ 1(a).

8. Consistent with the foregoing, Bard continues to have a claim against the Commonwealth of Puerto Rico for Tax Credits in the amount of \$300,169.

**WHEREFORE** Bard respectfully requests that the Court take notice of the foregoing clarification and, as a result thereof, find that the transfer of Bard's Claim No. 91823 to Mr. Rodriguez was a partial transfer of claim in the amount of \$200,000.

**RESPECTFULLY SUBMITTED** this 3<sup>rd</sup> day of December, 2018. (Revised January 3<sup>rd</sup>, 2019)

**I HEREBY CERTIFY** that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties appearing in said system, including the U.S. Trustee, Debtor, the Debtors' counsel and all parties in interest.

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